UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1994/45
23 December 1993

ENGLISH
Original: FRENCH/ENGLISH

COMMISSION ON HUMAN RIGHTS
Fiftieth session
Item 11 (b) of the provisional agenda

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Report of the second International Workshop on National Institutions for the Promotion and Protection of Human Rights

(Tunis, 13-17 December 1993)

CONTENTS

		Paragraphs	Page
I.	ORGANIZATION OF THE WORKSHOP	1 - 24	3
	A. Participants	6 - 12	3
	B. Opening of the Workshop	13 - 18	4
	C. Appointment of officers, agenda and organization of work	19 - 23	5
	D. Documentation	24	7

GE.93-85954 (E)

CONTENTS (continued)

		Paragraphs	Page
II.	TOPIC I. COOPERATION BETWEEN THE STATE AND NATIONAL INSTITUTIONS AND SIMILAR BODIES . . .	25 - 41	8
III.	TOPIC II. RELATIONS BETWEEN NATIONAL INSTITUTIONS AND SIMILAR BODIES	42 - 49	10
IV.	TOPIC III STRENGTHENING OF RELATIONS BETWEEN NATIONAL INSTITUTIONS AND THE CENTRE FOR HUMAN RIGHTS	50 - 65	12
V.	TOPIC IV. COOPERATION BETWEEN NATIONAL INSTITUTIONS	66 - 76	15
VI.	ADOPTION OF RECOMMENDATIONS AND CLOSURE OF THE SECOND WORKSHOP	77 - 82	16
	A. Decisions	77	16
	B. Recommendations	78	16
	C. Message of support for the work of the Algerian national institution	79	22
	D. Appeal to national institutions	80	23
	E. Resolution	81	23
	F. Closure of the Workshop	82	24

Annex:

List of participants 25

I. ORGANIZATION OF THE WORKSHOP

1. The second International Workshop on National Institutions for the Promotion and Protection of Human Rights was held in Tunis from 13 to 17 December 1993.

2. The Workshop, organized by the United Nations Centre for Human Rights in cooperation with the Tunisian Higher Committee on Human Rights and Fundamental Freedoms, followed on the first Workshop held in Paris in October 1991, the conclusions of which were adopted by the Commission on Human Rights (resolution 1992/54) and endorsed by the Economic and Social Council (decision 1992/233). The Workshop was also held in the context established by the Declaration and Programme of Action adopted at the World Conference on Human Rights in Vienna in June 1993.

3. The final document of the World Conference thus indicated, inter alia, that "the World Conference recommends that representatives of national institutions should convene periodic meetings under the auspices of the Centre for Human Rights to examine ways and means of improving their mechanisms and sharing experiences".

4. It should be recalled that the first International Workshop led to the adoption of "Principles relating to the status of national institutions". The Principles were endorsed by the Commission on Human Rights in its resolution 1992/54 and by the Economic and Social Council, which transmitted them to the United Nations General Assembly, which in turn took note of them with satisfaction at its forty-eighth session and annexed them to a resolution on national institutions.

5. The purpose of the Tunis Workshop was to continue the strengthening and establishment of national institutions for the promotion and protection of human rights by further contributing to the achievements of the earlier meetings.

A. Participants

6. Invitations to designate representatives were sent to the institutions of the following countries: Algeria, Australia, Benin, Brazil, Cameroon, Canada, Central African Republic, Chile, China, Denmark, France, India, Italy, Japan, Kuwait, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Northern Ireland, Norway, Peru, Philippines, Poland, Russian Federation, Senegal, Slovenia, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Zambia.

7. The following institutions took part in the Tunis Workshop: National Human Rights Monitoring Organization (Algeria), Human Rights and Equal Opportunity Commission (Australia), Beninese Commission on Human Rights (Benin), National Committee on Human Rights and Freedoms (Cameroon), Human Rights Commission (Canada), State Nationalities Affairs Commission (China), National Consultative Commission (France), National Commission on Human Rights (India), Commission on Human Rights (Italy), Civil Liberties Bureau (Japan), Committee on the Defence of Human Rights (Kuwait), Advisory Council on Human Rights (Morocco), National Commission on Human Rights

(Mexico), Human Rights Commission (New Zealand), Commission on Human Rights (Philippines), Human Rights Commission (Central African Republic), Permanent Commission of Inquiry (United Republic of Tanzania), Human Rights Committee (Senegal), Council on Human Rights and Fundamental Freedoms (Slovenia), Higher Committee on Human Rights and Fundamental Freedoms (Tunisia).

8. Representatives of ombudsmen, mediators and people's advocates of the following countries responded favourably: Austria, Canary Islands, Cyprus, France, Ghana, Senegal, Spain, Sweden and Tunisia.

9. Representatives of a number of States members of the United Nations attended as observers.

10. Representatives of non-governmental organizations, regional institutions and United Nations specialized agencies also attended as observers.

11. A complete list of participants is appended to the present report (annex).

12. The Assistant Secretary-General for Human Rights of the United Nations was represented by Mr. John Pace; the Centre for Human Rights was represented by Mr. Hamid Gaham, who acted as secretary to the Workshop.

B. Opening of the Workshop

13. In an introductory statement, Mr. Rashid Driss, Chairman of the Tunisian Higher Committee on Human Rights and Fundamental Freedoms, welcomed the participants and described United Nations activities to encourage the establishment of new institutions, as well as the work being done by the Tunisian Higher Committee in order to protect and promote human rights.

14. Mr. Hamed Karoui, Prime Minister of Tunisia, opened the second Workshop on National Institutions and transmitted the greetings of President Zine El Abidine Ben Ali. He said that Tunisia attached particular importance to human rights and the genuine development of democracy and fundamental freedoms, particularly economic and social rights, in order to protect the most disadvantaged categories from marginalization. He stressed that the activities of human rights institutions and government mechanisms were complementary; such institutions must base their credibility on their autonomy. The Tunisian Higher Committee had submitted several reports and the Government had established a constructive dialogue with the various non-governmental organizations in Tunisia.

15. The Prime Minister considered that, in order to enable national institutions to be effective, an international coordination committee should be set up to define their functions, powers and spheres of activity. He stressed that human rights were a matter of priority and an indivisible whole, particularly the right to development and solidarity among peoples without discrimination or dependence; they must be protected from terrorism, religious extremism and fanaticism and must be held up to the enemies of democracy.

16. Mr. Pace, opening the first meeting, reminded participants that the first International Workshop held in Paris in October 1991 had led to the Principles

relating to the status of national institutions, which had since been endorsed and adopted by various United Nations bodies. The Vienna World Conference had reaffirmed the important and constructive role of the national institutions which had played an essential role in its work. National institutions occupied a middle position between the institutional framework of the State and society, with the aim of making the rule of law a reality in the daily life of citizens, both with regard to civil and political rights and with regard to economic, social and cultural rights. The role of national institutions was fully consistent with overall United Nations human rights policy. He submitted to the Workshop a programme of action for the coming years; it had been prepared by the Centre for Human Rights and would, following consultation with the institutions present, be proposed for approval by the Commission on Human Rights.

17. The plan had four objectives:

(a) To promote the concept of a "national institution" as a means of reducing existing regional disparities in their distribution;

(b) To contribute to the emergence of independent and effective institutions conforming to Principles adopted concerning their status;

(c) To improve the effectiveness of existing institutions;

(d) To promote cooperation and coordination among national institutions at the regional and subregional levels.

18. He drew participants' attention to the draft manual on national institutions prepared by the Centre for Human Rights.

C. Appointment of officers, agenda and organization of work

19. Mr. Rachid Driss was elected Chairman of the second International Workshop by acclamation.

20. Mr. Driss nominated Mr. Gérard Fellous as General Rapporteur; the nomination was approved by the participants.

21. The Vice-Chairmen nominated and appointed were: Mr. Paul Bouchet (France); Mr. Brian Burdekin (Australia); Mr. Peter Hosking (New Zealand); Mr. Jorge Madrazo (Mexico); Mr. Solomon Nfor Gwei (Cameroon); Mr. Sedfrey Ordonez (Philippines); and Mr. Maxwell Yalden (Canada). It was decided that Mr. Virendra Dayal (India) should be added as a member of the bureau composed of the above-mentioned Vice-Chairmen.

22. After discussion, the agenda was amended. The following subitem was added to item 7: proposed international committee to coordinate the activities of national institutions. It was also decided that the following human rights topics should be discussed: education in democracy; the situation of women, children, disabled persons and migrants; arbitrary arrests and detentions.

23. The agenda of the second Workshop included the following items:

1. Opening meeting

2. Election of officers

3. Adoption of the agenda

4. Organization of work

5. Cooperation between the State, national institutions and similar bodies:

   (a) Strengthening of national legislation on national institutions in accordance with the "Paris Principles";

   (b) Contributions of national institutions and similar bodies to the implementation of international instruments;

   (c) Contribution of national institutions and similar bodies to United Nations human rights bodies and participation in the work of those bodies

6. Relations between national institutions and similar bodies

7. Strengthening of relations between national institutions and the Centre for Human Rights, and operating structure:

   (a) Programme of action for technical cooperation;

   (b) Proposed international committee to coordinate the activities of national institutions;

   (c) Consideration of the draft manual on national institutions

8. Cooperation between national institutions:

   (a) Follow-up to the resolutions adopted by national institutions at the World Conference on Human Rights relating to women, children and disabled persons, and consideration of questions relating to emigrants and education in democracy;

   (b) Cooperation and coordination of the activities of national institutions and strengthening of their relations with non-governmental organizations

9. Adoption of the report

10. Closing meeting.

D. Documentation

24. The following documents were prepared for the second Workshop:

HR/TUNIS/1993/SEM/BP.1	Background paper prepared by the United Nations Centre for Human Rights on the programme of action for technical cooperation to encourage the creation of national institutions, to strengthen existing national institutions, and to develop cooperation and coordination between national institutions
HR/TUNIS/1993/SEM/BP.2	Background paper prepared by the Canadian Human Rights Commission - Disabled persons
HR/TUNIS/1993/SEM/BP.3	Background paper prepared by Mr. Louis Joinet, Chairman of the United Nations Working Group on Arbitrary Detention - Present situation and future prospects of national institutions for the promotion and protection of human rights
HR/TUNIS/1993/SEM/BP.4	Background paper prepared by Mr. Pelletier, Mediator for the French Republic - Relations between national institutions and similar bodies
HR/TUNIS/1993/SEM/BP.5	Manual on the establishment and strengthening of effective national institutions
HR/TUNIS/1993/SEM/BP.5/Add.1	Summary of the manual
HR/TUNIS/1993/SEM/BP.6	Background paper prepared by the New Zealand Human Rights Commission - Rights of women
HR/TUNIS/1993/SEM/BP.7	Background paper prepared by the Human Rights and Equal Opportunity Commission of Australia
HR/TUNIS/1993/SEM/WP.1	Working paper prepared by the Centre for Human Rights - Excerpts from the Vienna Declaration and Programme of Action relating to national institutions

HR/TUNIS/1993/SEM/WP.2	Working paper prepared by Mr. Eugen Muhr, representative of the Austrian Ombudsman Board
HR/TUNIS/1993/SEM/WP.3	Working paper prepared by the Tunisian Higher Committee on Human Rights and Fundamental Freedoms - Role of national institutions in human rights education
HR/TUNIS/1993/SEM/WP.4	Working paper prepared by the Indian National Commission on Human Rights
HR/TUNIS/1993/SEM/WP.5	Working paper prepared by the Slovenian Council on Human Rights and Fundamental Freedoms.

II. TOPIC I: COOPERATION BETWEEN THE STATE AND NATIONAL INSTITUTIONS AND SIMILAR BODIES

25. The introductory report was submitted by Mr. Louis Joinet, Expert, Chairman of the United Nations Working Group on Arbitrary Detention.

26. Mr. Joinet said that a first major step had been taken at the first Workshop with the adoption of the "common charter" constituted by the Principles relating to the status of national institutions, known as the "Paris Principles". He hoped that a further step forward would be taken in Tunis. Although the principles represented an ideal to be achieved, he wondered whether some flexibility should not be allowed in their implementation. Each State could choose a context suited to its national needs, but it had to be in keeping with the Paris Principles, which served as a basis. He warned against the danger of the establishment of "alibi" national institutions.

27. In the light of the experience gained since the first Workshop, he reviewed political will, the problem of independence, the functions of pluralism and international action. Whether national institutions were consultative, quasi-jurisdictional or both, they were based on the highest possible legal standard which reflected the legitimacy accorded to them by means of political will. The synergy between the State and society would thus be more fully ensured. Although the State alone was entitled to take decisions, national institutions were a forum for constructive dialogue to limit controversy and confrontation, without thereby concealing possible substantive disagreements.

28. In his opinion, quasi-jurisdictional institutions must not take the place of courts which already existed or were to be established. The requirement of independence was the keystone of national institutions. Although independence was granted by the State, democracy ensured that it was respected by means of monitoring mechanisms. However, national institutions could in no circumstances take the place of the executive, legislative or judicial authorities; that would be a pretext for not having a representative parliament or an independent judiciary.

29. The four parameters for independence were:

(a) The power to hear a matter without referral to a higher authority, which must comprise minimum procedural guarantees;

(b) The power to make the decisions, recommendations and work of national institutions public, thereby keeping public opinion informed and gaining in credibility;

(c) Sufficient stability in the mandate of the members, appointed by means of an official act for a sufficiently long, predetermined period;

(d) The provision of sufficient financial resources by means of funds budgeted over the long term.

30. Broad pluralism was linked to the institutions' function of dialogue and consultation. It formed the basis of their moral authority and ideological independence, making their activities real and plausible in the eyes of the public.

31. With regard to international action, [illegible] advocated the harmonization of national legislation with the international human rights instruments to which States were parties. He acknowledged that the participation of national institutions in the preparation of reports which States were required to submit to United Nations treaty bodies and committees and to regional bodies was not without ambiguity. He advocated multilateral cooperation between institutions in the form of a coordination or liaison committee or an international federation with some type of liaison with the Centre for Human Rights.

32. He suggested that rules of procedure should be adopted for the next Workshop and that national institutions should be represented on the board of directors of a United Nations fund for voluntary contributions.

33. Mr. Joinet's statement was followed by a discussion in which a number of national institutions and similar bodies described the work they were doing. As far as political will was concerned, it was noted that, although the criteria defined were indeed objectives to be achieved, some flexibility should be accepted in order to encourage States to establish institutions. In response to the opinion that the Principles were not immutable and must be adapted to the local context without being slavishly bound by the text, the majority of speakers considered that the Principles were an established fact that served as a basis and that institutions must be developed to bring them into line with the Principles. As to the parameters for independence, the criterion of the power to hear a matter without higher referral could be interpreted differently depending on whether the institution was consultative or quasi-jurisdictional. In the first case, such power could be governed by automatic procedures, or left to the discretion of members, who took their decisions by consensus.

34. The public nature of the decisions and work of institutions raised the question of the confidentiality of discussions, particularly in the case of

inquiries into individual petitions or the amicable settlement of disputes. It was nevertheless agreed that activities and final decisions should be made public.

35. The financial resources required for independence were often insufficient in developing countries, not only because of the lack of political will, but also because of the economic situation. Moreover, financing from government funds could lead to retaliation by a Government which had been criticized. Protection would then be ensured either by constitutional or by legislative provisions.

36. In the opinion of the speakers, institutions which had to make compromises must avoid any surrender of principle that would harm their credibility.

37. With regard to international action, the hope was expressed that institutions would define their relations with the Centre for Human Rights more clearly and that bilateral relations would be encouraged.

38. The proposed establishment of an international coordination or liaison committee was supported, as was the proposal for a bulletin to ensure liaison among institutions; those questions were dealt with in greater detail under agenda item 7.

39. The hope was also expressed that institutions would begin to draw up a programme of joint activities. Three topics were proposed: human rights education; the effective implementation of international instruments in each country which had ratified them and ratification by countries which had not yet done so; and the form of participation by institutions in national reports to international human rights bodies.

40. In reply, Mr. Joinet said that pluralism was probably more important than the nature of an institution's legal basis. It was something acquired rather than decreed. He agreed that the Principles constituted a common basis towards which institutions must move and progress.

41. In the Chairman's view, the Principles were a joint platform which promoted relations between States and society, each country being able to decide which legal framework was appropriate. The highest standard was the constitutional law, which reflected political will and ensured genuine independence. However, there was still the danger of the establishment of institutions that would serve as alibis for Governments.

III. TOPIC II: RELATIONS BETWEEN NATIONAL INSTITUTIONS AND SIMILAR BODIES

42. Agenda item 6 was introduced by Mr. Jacques Pelletier, Mediator for the French Republic, who noted that, although national institutions and similar bodies (ombudsmen, mediators, people's advocates) accepted and complied with the Principles adopted in 1991, they were extremely different; consideration must therefore be given to the types of relations they might maintain.

43. He proposed the following three topics for consideration:

(a) The current state of relations between ombudsmen, who had established the International Institute of Ombudsmen, based in Edmonton, Canada, in 1978 and a European Institute in Innsbruck. The ombudsmen met every four years;

(b) The complementarity of the work of national institutions (commissions, committees, councils) and ombudsmen. In the case of France, for example, there was a dual link: the French Consultative Commission referred the many individual petitions it received to the Mediator, who had been appointed to the Commission;

(c) The nature and type of relations to be established between national institutions and similar bodies. He expressed the hope that joint meetings, such as the Tunis Workshop, would continue to be held under the auspices of the Centre for Human Rights.

44. He made the following six proposals:

(a) A list to be prepared of all national institutions and similar bodies complying with the Principles adopted in October 1991.

(b) The United Nations Centre for Human Rights to be designated as the coordinating body for exchanges of information;

(c) An institutional link to be established between all or some national institutions and similar bodies;

(d) Periodic and regular joint meetings to be organized;

(e) A programme of joint action to be drawn up;

(f) An information letter to be published.

45. The representative of the Mediator for the Republic of Tunisia, Mr. Ridha Ben Youssef, described Tunisia's experience of administrative mediation. The Tunisian Mediator's Office had been established by decree of 10 December 1992 and its competence and method of operation had been defined by the Act of 1 May 1993. It reported directly to the President of the Republic and had financial autonomy. The Mediator was appointed by presidential decree on the Minister's advice. He handled all individual complaints, but not disputes between the Government and its officials or disputes being heard or decided by the courts. Since 1 March 1993, the Mediator had received several thousand written and oral complaints relating to such varied matters as land ownership, tax disputes, administrative authorizations, personal documents, social security, privatization, the environment, land use, etc. In each ministry, coordinators who reported to the Mediator had been appointed to handle complaints, 27 per cent of which had been dealt with satisfactorily so far. The President of the Republic remained the final judicial recourse, particularly for the adoption of amendments to legislation and regulations to eliminate certain causes of disputes. The Mediator published an annual report.

46. The ideas and proposals contained in the introductory statements were the subject of a discussion in which several mediators and ombudsmen described their work and national experience. They stressed in particular that national institutions and similar bodies were complementary and did not compete with each other.

47. In national situations, the following types of cases could exist:

(a) The case where the national institution carried out both consultative and quasi-jurisdictional functions;

(b) The case where a consultative national institution existed alongside a mediator or ombudsmen;

(c) The case where both existed.

48. It was agreed that, in the second case, there should be close cooperation between the two institutions, since they both had as their purpose the strengthening of democracy and the protection of human rights. Such cooperation was clearly provided for by the 1991 Principles. It was suggested that, when the two institutions existed in the same country, their roles should be clearly defined in order to avoid any confusion in the mind of the public.

49. The desire was expressed that assistance should be given to young institutions and that regional and thematic meetings should be organized.

IV. TOPIC III: STRENGTHENING OF RELATIONS BETWEEN NATIONAL INSTITUTIONS AND THE CENTRE FOR HUMAN RIGHTS

50. Agenda item 7 was introduced by Mr. Hamid Gaham, who described new directions in the policy of the United Nations Centre for Human Rights with regard to national institutions in the coming years. Such directions were in conformity with the Programme of Action adopted by the Vienna World Conference and related to technical assistance and advisory services.

51. Mr. Gaham submitted for approval by the Workshop a draft programme of action focusing on the full implementation of the Principles relating to the status of national institutions. In general terms, the programme of action was designed:

(a) To continue to promote the establishment and strengthening of national institutions, particularly in regions where they were still few in number. The advisory services and technical assistance of the Centre for Human Rights were available to States that wished to receive advice;

(b) To make officials from the Centre and experienced experts from national institutions available to States;

(c) To organize regional seminars to overcome obstacles which might hamper the establishment of new national institutions.

52. In specific terms, the draft programme of action proposed technical assistance both to States which requested it and to existing institutions according to the needs they expressed in respect of independence, competence, composition, operation and staff training.

53. The objectives of the technical assistance made available by the Centre for Human Rights were:

(a) To help national institutions contribute more effectively to the ratification and implementation of international human rights instruments;

(b) To train officials of national institutions in the preparation of the reports to be submitted by Governments to United Nations bodies;

(c) To organize training courses for human rights practitioners (judges, police officers, etc.);

(d) To teach methods of investigating violations;

(e) To devise methods of settling disputes;

(f) To establish cooperation with all persons working to promote human rights (non-governmental organizations, etc.).

54. The Centre for Human Rights presented a draft manual on national institutions which would provide detailed information on the nature and activities of existing national institutions and would contribute to the establishment of new institutions. It would also suggest different types of cooperation, exchanges of information and joint activities. It was suggested that the proposed committee to coordinate national institutions should take part in the preparation of the manual.

55. The participants held a discussion during which it was agreed that the technical assistance of the Centre for Human Rights should be made available to national institutions at the request of States.

56. With regard to the programme of action, it was suggested that the proposed assistance should be sufficiently flexible and should not overlook bilateral cooperation.

57. It was suggested that forthcoming meetings of national institutions should be held at set times, according to a schedule agreed on in advance. Some speakers proposed regional meetings, while others warned against a specific approach to human rights that might call their universality into question.

58. In connection with technical assistance and in order to avoid duplication, it was suggested that the Centre for Human Rights should take account of other programmes, such as those of the Commonwealth Secretariat and the Agency for Cultural and Technical Cooperation.

59. As to the draft manual on national institutions, a number of editorial amendments were requested and transmitted to the secretariat. It was decided that the draft text of the manual would be translated into the United Nations languages and sent to participants, who would have reasonable time to study it and transmit their comments and suggested amendments in writing to the Centre for Human Rights. The Centre would then send out a corrected version to all participants, before submitting the text to the Commission on Human Rights.

60. The participants embarked on a debate on a committee for international coordination of national institutions. It was pointed out that at the World Conference in Vienna a committee for coordination of the national institutions present had been spontaneously set up in response to practical and logistical needs and that its functioning had proved entirely satisfactory.

61. The desire was expressed that the Tunis Workshop should culminate in the establishment of a committee for coordination of national institutions. In the course of a discussion, the nature, responsibilities and composition of such a committee were defined by consensus.

62. In connection with the nature of the committee, it was stated that it must be neither a bureaucratic body nor a supervisory or binding body, but a small, flexible, open-ended, representative and transparent mechanism to facilitate the exchange of ideas and meetings, in other words, an ad hoc committee which would function until the next Workshop in two years' time.

63. As to the committee's responsibility and functioning, the desire was expressed that it should perform the dual task of coordination and liaison:

(a) Coordination between all the institutions which recognized the Principles annexed to the resolution of the General Assembly of the United Nations; liaison between those institutions, and with the Centre for Human Rights and the network of ombudsmen and mediators;

(b) It was also suggested that the committee should promote the creation of new national institutions and supervise the implementation of the various resolutions or recommendations adopted by the national institutions.

64. On the composition of the coordination committee, it was suggested that the approach, adopted in Vienna, of representation on a geographical and cultural basis should be continued and that it should be open-ended. Thus, each region or subregion would decide for itself, if it so wished, to add to the representatives appointed to the first coordination committee in Vienna another representative of an institution conforming to the Paris Principles. Each region or subregion would have one vote.

65. Special attention was paid to the representation of women both in each national institution and in the coordination committee. The hope was expressed that such representation would be encouraged and that it should be effectively put into practice.

V. TOPIC IV: COOPERATION BETWEEN NATIONAL INSTITUTIONS

66. Following the resolutions adopted by the national institutions at the World Conference in Vienna, the Second Tunis Workshop took up six questions relating to the protection and promotion of human rights which would be the subject of final recommendations.

67. The rights of women: The participants expressed the desire that the national institutions should take action in their respective countries to promote the ratification of the Convention on the Elimination of All Forms of Discrimination against Women and the alignment of their national legislation with that Convention, and that those institutions should report on their efforts at the next international workshop.

68. The rights of children: A draft additional protocol to the Convention on the Rights of the Child was proposed aiming at the effective implementation of the Convention, particularly with regard to economic and sexual exploitation of children.

69. The rights of disabled persons: A study was submitted to participants recommending that institutions should, in their respective countries, exert efforts to bring about a change of attitudes, to eliminate social barriers and discrimination - particularly in employment, and to promote equality of opportunity.

70. Education in human rights and democracy: It was emphasized that national institutions must ensure that such education was in conformity with universality and indivisible fundamental rights.

71. The rights of migrants, who encountered difficult situations in all regions because of the exclusion, hostility and hatred to which they were subjected. That was reflected in an increase in discrimination and xenophobia.

72. Torture and cruel, inhuman or degrading treatment: The desire was expressed that each national institution should give absolute priority to those serious violations and should intercede with the competent authorities to ensure that they were eradicated. Similarly, it was requested that action should be taken to assist victims of arbitrary detention.

73. The participants then gave lengthy consideration to the question of strengthening relations between national institutions and non-governmental organizations. It was emphasized that their roles were complementary. The NGOs which spoke for those unable to speak for themselves must be helped and encouraged by the national institutions, which must retain their confidence and act as mediators between them and the Government.

74. It was emphasized that the national institutions maintained or, when that was not yet the case, established close cooperation with the NGOs, not only nationally but also by continuing to invite them to take an active part in their International Workshops. It was therefore necessary and useful to work together, particularly because of their comprehensive knowledge of local problems and victims.

75. Although the national institutions and the NGOs did have a common goal, their methods of action were different and must not be confused. It was proposed that the international committee for coordination of national institutions should establish contacts with the international NGOs.

76. Concluding these deliberations, the Rapporteur observed that the Tunis Workshop had taken place in an excellent atmosphere which had been not only studious and very dignified, but also very friendly. This, in accordance with the objectives set, had enabled participants to get to know each other better and to gain an appreciation of each other in order to form the great family of national institutions which would steadily grow.

VI. ADOPTION OF RECOMMENDATIONS AND CLOSURE OF THE SECOND WORKSHOP

A. Decisions

77. At the conclusion of their deliberations on 17 December 1993, the participants in the second International Workshop took the following decisions:

(1) The resolutions adopted by the national institutions at the World Conference on Human Rights in Vienna should be transmitted to the Commission on Human Rights at its fiftieth session;

(2) Concerning regional and subregional representation in the international committee for coordination of national institutions, India and the Philippines would represent the Asia region until the next Workshop. The national institutions of the West European countries decided that France and Sweden would represent that region until the next Workshop.

B. Recommendations

78. The participants adopted the following recommendations:

1. Strengthening of national institutions

The National Institutions for the Promotion and Protection of Human Rights, meeting in Tunis (Tunisia) from 13 to 17 December 1993, under the auspices of the United Nations Centre for Human Rights,

Emphasizing the importance of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments in promoting respect for, and effective enjoyment of, human rights and fundamental freedoms,

Welcoming Commission on Human Rights resolution 1992/54 and the resolution adopted by the General Assembly on 15 December 1993 establishing the "Principles relating to the status of national institutions" ("Paris Principles"),

1. Recommend that the Commission on Human Rights:

(a) Take the appropriate measures to ensure that the national institutions participate actively, by right and with a specific status, in the work of the United Nations human rights bodies;

(b) Request the Secretary-General to establish a voluntary fund for national institutions, in accordance with the financial rules of the United Nations, this fund to be managed by a board of directors comprising appropriate representation of the national institutions;

(c) Request the Centre for Human Rights, with the assistance of the Coordination Committee mentioned below, to develop a programme of technical assistance for States wishing to establish or strengthen their national institutions and to organize training programmes for national institutions which request them;

(d) Request the Secretary-General to support when necessary the implementation of the following provisions, notably those of paragraph 5, through appropriate administrative and financial backing;

2. Undertake, through the Coordination Committee mentioned below, to exchange information on matters relating to human rights and other matters of mutual interest;

3. Take note with interest of the draft plan of action for technical cooperation with the national institutions and the draft manual on the establishment and functioning of national institutions submitted by the Centre for Human Rights, and request the national institutions to transmit their comments to the Centre by 15 February 1994;

4. Propose closer cooperation between the national institutions and similar organs (ombudsmen, mediators, etc.), including the International Institute of Ombudsmen, with a view to improved complementarity of their initiatives;

5. Request the national institutions to ensure that the legislation relating to them is adapted to bring their statutes and responsibilities into line with the Principles relating to the status of national institutions annexed to the General Assembly resolution of 15 December 1993. In this context, they shall:

(a) Promote and protect all aspects of human rights which are universal, interdependent and indivisible, as reaffirmed in the Vienna Declaration and Programme of Action;

(b) Ensure the implementation in the national context, of the international instruments relating to human rights;

(c) Contribute, whenever they consider it appropriate, to the reports submitted to United Nations bodies;

(d) Endeavour to strengthen their legal status, their administrative autonomy, in particular the right to adapt their working structures to the responsibilities with which they are entrusted, and their financial autonomy through an adequate budget;

(e) Strengthen their advisory role by giving opinions, when appropriate, on draft legislation relating to subjects within their competence and by transmitting their recommendations to parliament;

(f) Secure the right to consider without referral to a higher authority problems within their competence at the national or international level when they do not already have this right;

(g) Ensure that their views and recommendations are accessible to the public;

(h) Promote the development of a human rights culture through the media, if necessary by informing public opinion of violations of human rights;

(i) Submit a brief report on their activities, mentioning the status of their country's ratifications of international instruments and any reservations to those instruments, and their efforts to implement these recommendations, at their subsequent international workshops;

(j) Submit, by March 1994, to the Centre for Human Rights for distribution a special "page of interest" of not more than one page identifying any field activities of the national institutions which may be of interest to other national institutions;

6. Instruct the national institutions of Australia, Cameroon, Canada, France, Mexico, New Zealand, the Philippines and Tunisia, chosen on the basis of the following geographical representation - North Africa, sub-Saharan Africa, North America, Latin America, Asia, Europe and Oceania, to act as a Coordination Committee with the aim of:

(a) Following up these recommendations;

(b) Maintaining regular contacts between the national institutions and the Centre for Human Rights, in particular in order to establish and implement a joint programme of action;

(c) Convening a third Workshop of National Institutions to be held in (Asia or Latin America), and any other inter-sessional meeting that might be envisaged;

(d) Submitting a report to this Workshop on the implementation of this mandate.

Each of the regions or subregions represented shall have one equal vote and each region or subregion shall have the possibility of appointing a second representative within the Coordination Committee, chosen from among the national institutions established on the basis of the Paris Principles, by agreement within the region or subregion in question.

2. Specific recommendations

(a) Concerning the protection of disabled persons

National institutions should:

(a) Seek a legislative mandate to protect the rights of persons with disabilities. Institutions should also continue to encourage countries to create effective institutions where they do not yet exist and to ensure that these institutions have the authority to deal with issues concerning persons with disabilities;

(b) In cooperation with persons with disabilities and their organizations, take every appropriate action to inform disabled persons in their respective countries of the rights they enjoy and the protection that is afforded them by the institution. Institutions should use alternative formats to get this message out;

(c) Actively support the development of organizations comprising disabled persons or members of their families and make a contribution and exert decisive influence with a view to ensuring that Governments accord to organizations representing disabled persons the material and financial resources necessary for their action;

(d) Be given, by Governments - after consultation with disabled persons and their organizations, a special mandate officially designating them as a "high authority" in the area of the realization of the fundamental rights of disabled persons;

(e) Define a strategy and specific programmes in order to ensure that the media display sensitivity and accuracy in the presentation and analysis of the condition of disabled persons, particularly ensuring that disabled persons are able to explain their situation for themselves to the general public and to suggest means of dealing with that situation;

(f) Ensure in their ongoing activities that States at all times give disabled persons and their organizations the possibility of actively influencing policies and decisions in all areas of concern to them and at any level;

(g) Ensure that disabled persons enjoy in national systems equality of opportunity with regard to income, income guarantees and the various social security benefits and services, including services geared to prevention, rehabilitation and equalization of opportunities for disabled persons and their families, and the possibility of appealing against decisions concerning their rights in this area to an impartial authority;

(h) Make every effort to bring about the removal of physical and other barriers to full participation in society. Special efforts should be made to ensure that housing, public transportation systems, government offices and facilities housing essential services, such as medical and financial services,

are accessible and that important government services and publications designed for the public are available in formats suitable for persons with disabilities;

(i) Recommend legislation and programmes that aim to ensure that barriers to full employment for disabled persons are eliminated and, where necessary, that suitable accommodation is provided, so that persons with disabilities attain representativeness in rates of employment;

(j) Ensure, in full collaboration with the authorities responsible for the education and organizations of disabled persons, that teaching services are established for disabled adults and children conforming to certain fundamental criteria, in particular that of integration within the overall education system;

(k) Take account, in their ongoing activities, of the results achieved in the area of the prevention of infirmity, disability and handicaps, and be empowered actively to support coordinated prevention programmes and information campaigns on these programmes at all levels of society;

(l) Report, at the next meeting of national institutions for the promotion and protection of human rights, on the initiatives they have taken to ensure that the rights of persons with disabilities are secured in their countries.

(b) Concerning the protection of children

Considering that, in ratifying the Convention on the Rights of the Child, States parties have committed themselves to undertake all appropriate legislative, administrative and other measures to ensure the effective implementation of the rights recognized in that Convention,

Noting that it is in the interests of States parties to harmonize, as far as possible, their national legislation on sexual exploitation of children in order to improve the coordination and effectiveness of action taken at both national and international levels,

Recommend that the Commission on Human Rights should urgently consider the draft additional protocol to the Convention on the Rights of the Child concerning the elimination of sexual exploitation and trafficking of children annexed to the present report.

(c) Concerning the protection of women

Noting that the Principles relating to the status of national institutions accord to those institutions the role of encouraging States to ratify international instruments and cooperating with the various United Nations agencies in the protection and promotion of human rights,

Also noting the goal, set out in the Vienna Declaration and Plan of Action, of universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women by the year 2000, including the review of reservations and their limitation wherever possible,

Agree to report to the next meeting of national institutions on such matters as:

(a) Whether their State has signed and ratified the Convention on the Elimination of All Forms of Discrimination against Women and, if not, whether the State has plans to ratify the Convention and by what date;

(b) Whether their State has lodged any reservations to the Convention and, if so, the nature and scope of those reservations, and whether those reservations have been reviewed by the State and removed or limited;

(c) What steps, if any, have been taken to implement the Convention in domestic law;

(d) Where the State has reported to the Committee on the Elimination of Discrimination against Women under the terms of the Convention, whether the national institution has had an opportunity to contribute to such reports and/or will have the opportunity to do so in the future;

(e) What steps, if any, have been taken by the national institution to publicize the Convention among relevant governmental and non-governmental bodies and the general public;

(f) What steps, if any, have been taken by the national institution to implement the Convention in its own operations;

Also agree to place, to the extent their resources allow, particular emphasis in their public education programme on the equal status and human rights of women, recognizing that each national institution will judge the most effective methods of undertaking such public education,

Recommend that the national institutions should persuade their respective States to adopt policies aimed at eliminating all discrimination against women and to take specific measures geared to the needs of women,

Agree that, given the acknowledged role of national institutions in contributing to the reports States are required to submit to United Nations bodies and committees, national institutions may include information about reports in the preparation of which they have been consulted in their activity reports to regular meetings of national institutions. This information, in turn, could strengthen the case for other national institutions being consulted by their Governments in the future,

Recommend that the national institutions should establish between themselves links of cooperation in order to coordinate their action, in collaboration with the United Nations bodies working for the advancement of women,

Agree to consider future initiatives on the first possible occasion after the appointment of a special rapporteur on violence against women.

(d) Concerning migrants

Invite the national institutions to intercede with their respective Governments to ensure that the rights and guarantees of migrants enunciated in the international instruments are respected,

Call on all States to refrain from adopting legislative or administrative measures or regulations incompatible with the international provisions relating to the rights of migrants,

Call on all States which have not yet done so to ratify the international treaties concerning migrants and to ensure their effective observance,

Invite the national institutions to submit, at each of their periodic meetings, a detailed report on the implementation of the international instruments in their respective countries concerning this problem and to mention, where appropriate, any obstacles impeding the implementation of these instruments, with a view to helping forthcoming international meetings of national institutions to devise adequate solutions to these problems,

Invite the national institutions to launch a broad campaign to make national and international opinion aware of the dangers of all forms of intolerance, exclusion, xenophobia, racism and racial discrimination based on ethnic considerations or cultural origin.

(e) Concerning arbitrary detention

The participants in the International Workshop on National Institutions for Human Rights urge all national institutions and organizations active in the defence of human rights to work for the release, as soon as possible, of all hostages and all victims of arbitrary detention as defined in the relevant international instruments.

C. Message of support for the work of the Algerian national institution

79. The participants adopted the following message:

The participants in the second International Workshop on National Institutions for the Promotion and Protection of Human Rights, having been unable to travel to Algiers in response to the invitation from the National Human Rights Monitoring Organization, hereby send a message of solidarity in support of the work of the Algerian national institution and the victims - Algerian and non-Algerian - of violence based on racial and religious discrimination and on intolerance.

Deeply concerned about the spiral of violence in Algeria and the infringements of human rights in that country,

Perturbed by the continuation of an emergency situation limiting the exercise of fundamental rights,

Indignant at the threats and murders which have claimed as their targeted victims writers, journalists, university teachers, imams, trade unionists, engineers, doctors, magistrates, local government officers, veterans of the national liberation struggle, businessmen and ordinary citizens, both men and women, as well as foreign nationals,

Express their solidarity with the families of the victims of all the acts of violence,

Support the work of the Algerian national institution, and that of Algerian civil associations, which, despite the threats to and murders of their members, are courageously endeavouring to ensure respect for human rights through their action vis-à-vis the national governmental, administrative and judicial authorities and to promote the ideals of dignity, tolerance and hospitality consistent with the civilized reference values of the Algerian people.

D. Appeal to national institutions

80. The participants adopted the following text:

The national institutions for the promotion and protection of human rights, meeting at their second International Workshop in Tunis under the auspices of the United Nations Centre for Human Rights,

Recalling that, in accordance with article 5 of the Universal Declaration of Human Rights, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment", and that no derogation or exception is possible in this respect, regardless of the circumstances, as stated in the International Covenant on Civil and Political Rights,

Urgently request each national institution to consider as an absolute priority representations to all the competent authorities in order to prevent and punish such infringements of human dignity.

E. Resolution

81. The participants adopted the following resolution:

The representatives of the national institutions for the promotion and protection of human rights, meeting in Tunis from 13 to 17 December 1993 under the auspices of the United Nations Centre for Human Rights, having been informed by the representative of the Beninese Commission on Human Rights of the present situation of Mr. Djovi, hitherto President of the Togolese Commission on Human Rights and still a refugee in Benin,

Express to Mr. Djovi their solidarity following the ordeals to which he has been subjected and their gratitude for the assistance he has given to his fellow citizens in exile,

Solemnly request the Togolese authorities to take all necessary measures to enable Mr. Djovi to return to his country with the benefit of the necessary guarantees of security and freedom of expression.

F. Closure of the Workshop

82. The representative of the Assistant Secretary-General for Human Rights made a closing address and Mr. Sadok Chaabane, Minister of Justice of Tunisia, declared closed the second International Workshop for the Promotion and Protection of Human Rights.

Annex

LIST OF PARTICIPANTS

A. National institutions

National Human Rights Monitoring Organization (Algeria)

Mr. Pierre Chaulet
Vice-President

Mr. Said Ayachi
President of the Commission on External Relations

Mrs. Djoher Akrour
President of the Commission on Collective Rights

Miss Farida Hassissene
Director of Studies and Research

Human Rights and Equal Opportunity Commission (Australia)

Mr. Brian Burdekin
Federal Human Rights Commissioner

Beninese Commission on Human Rights

Mr. Saïdou Agbantou
President

National Committee on Human Rights and Freedoms (Cameroon)

Mr. Solomon Nfor Gwei
President

Human Rights Commission (Canada)

Mr. Maxwell Yalden
President

Mr. John Dwyer
Counsellor

Mr. Yves Lafontaine (Commission on Human Rights) (Quebec))

State Nationalities Affairs Commission (China)

Mr. Yang Houdi
Director

National Consultative Commission on Human Rights (France)

Mr. Paul Bouchet
President

Mr. André Braunschweig
Vice-President

Mr. Gérard Fellous
Secretary-General

Mr. Emmanuel Decaux

National Commission on Human Rights (India)

Mr. Virendra Dayal
Member

Commission on Human Rights (Italy)

Mr. Paolo Ungari
President

Mrs. Milena Modica
Member

Civil Liberties Bureau (Japan)

Mr. Hirushi Yamada
Human Rights Administrator

Committee on the Defence of Human Rights (Kuwait)

Mr. Abdelaziz Youssef Ansani
President

Mr. Abdelmouhsen Youssef Jamel
Mr. Abdallah El Anzi

Advisory Council on Human Rights (Morocco)

Mr. Mohamed Mikou
Secretary-General

Mr. Mohamed Bouzoubaa
Mr. Ahmed Lasky
Mr. Massaoud Mansouri
Mr. Lahcen Gboune
Mr. Thami El Khyari
Mr. Mohamed Chnouki

National Commission on Human Rights (Mexico)

Mr. Jorge Madrazo Cullar
President

Mr. Hector Davalos Martinez
Executive Secretary

Ms. Maria Luisa Escobedo Olea
Executive Secretary

Human Rights Commission (New Zealand)

Mr. Peter Hosking
Proceedings Commissioner

Commission on Human Rights (Philippines)

Mr. Sedfrey A. Ordonez
President

Human Rights Commission (Central African Republic)

Mr. Jean Kossangur

Permanent Commission of Inquiry (United Republic of Tanzania)

Mr. Gad J.K. Mjemmas
Legal Adviser

Human Rights Committee (Senegal)

Mr. Malleck Sow
Member

Council on Human Rights and Fundamental Freedoms (Slovenia)

Mr. Jernei Rovsek
Secretary-General

Higher Committee on Human Rights and Fundamental Freedoms (Tunisia)

Mr. Rachid Driss
President

Mr. Mohamed Mahfoudh
Mr. Zakaria Ben Mustapha
Mr. Hassib Ben Ammar
Mrs. Sarra Chaabouni
Mrs. Saïda Gherib
Mr. Béchir Larabi
Mr. Mohamed Talbi

B. Ombudsmen/Mediators/People's Advocates

Austrian Ombudsman Board (Austria)

Mr. Eugen Muhr

Diputado del Comun de Canarias (Canary Islands)

Mr. Francisco Tovar Santos
Vice-Diputado del Comun

Mr. Luis Rodriguez Camino
Secretary-General

Commission for Administration (Ombudsman) (Cyprus)

Mr. Nicos Chr. Charalambous
Commissioner for Administration

Defensor del Pueblo (Spain)

Mrs. Margarita Retuerto Buades
Acting Ombudsman

Miss Loreto Feltrer
Director

Commission on Human Rights and Administrative Justice (Ghana)

Mr. Emile Francis Short
Mr. B.K. Oppong

Mediator for the Republic (France)

Mr. Jacques Pelletier
Mediator

Mr. Philippe Bardiaux
Counsellor for External Relations

Mediator for the Republic (Senegal)

Mr. Mamadou Sall
Secretary-General

Ombudsman against Ethnic Discrimination (Sweden)

Mr. Frank Orton
Ombudsman

Médiateur administratif (Tunisia)

Mr. Hassin Sherif
Ministre médiateur

Mr. Ridha Ben Youssef
Chargé de mission

C. Regional institutions and research institutes

Arab Human Rights Institute (Tunisia)

Mr. Taieb Baccouche
Mr. Frej Fenniche

Human Rights Institute (Romania)

Mr. Ratoice Oana

D. Expert/Consultant

Mr. Louis Joinet (France)
Chairman of the United Nations Working Group on Arbitrary Detention

E. Specialized agencies in the United Nations system and other agencies

United Nations Information Centre

Mr. Louay El-Djoundi
Director

United Nations Educational, Scientific and Cultural Organization (UNESCO)

Mr. Khaled Abu Hijleh
Deputy Programme Specialist

United Nations Development Programme

Mrs. Cécile Molinier

F. Intergovernmental organization

Commonwealth Secretariat

Miss Madhuri Bose

G. Non-governmental organizations

World Association for the School as an Instrument of Peace

Mr. Abdelkarim Allagui

Palestinian Human Rights Association

Mr. Khalil Zaben

International Confederation of Free Trade Unions

Mrs. Ellinor Kolstad

Defense for Children International Movement

Mrs. Leyla Khalfallah

International Federation of Human Rights

Mr. Taoufik Bouderbala

Force ouvrière

Mr. Bruno Quemada

International Service for Human Rights

Mr. Khémais Chammari

Arab Lawyers' Union

Mr. Amin M. Medani

Inter-African Union for Human Rights

Mrs. N'Doure M'Bam Diarra

Inter-Parliamentary Union

Mrs. Fathia Baccouche Bahri

H. Governments

Angola	Mr. José César Augusto Mr. Idrïssa Ali
Chile	Mrs. Marcia Covarrubias
Croatia	Miss Ljerka Alajbeg
Cuba	Mr. Alejandro F. Diaz Palacios
France	Mr. Jean-Noel de Bouillane de Lacoste Mrs. Assia Sixou
Germany	Mr. Reiner Grüning
Guatemala	Mr. Ramsés Segundo Cuestas Galvez

India	Miss M. Manimekalai Mr. Vikram Misri
Indonesia	Mr. Mohamed Arif Sjahril Mr. Hidayatus Sibjan
Iraq	Mr. Qusay Mahdi Saleh
Israel	Mrs. Daphna Sharfman Mrs. Erela Hadar
Italy	Mr. Francesco Caruso
Libyan Arab Jamahiriya	Mr. M. Haj Sassi Salem
Malaysia	Miss Rohana Ramli
Mauritania	Mr. Bedaha Ould Brahim Khlil
Namibia	Mr. Issaskar V.K. Ndjoze
Pakistan	Mr. Khayyam Akbar
Thailand	Mr. Sirisak Tiyapan
United States of America	Mr. Evan G. Reade
Yemen	Mr. Hamoud Abdelhamid El Hitar Mr. Hossan Dollel